

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

Justino Garcia,  
Debtor.

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**BK. No. 10-50856-cec**

**CHAPTER 13**

Justino Garcia,  
Plaintiff,

**AP. No. 10-01344-cec**

v.

**ANSWER (CEC)**

Aurora Loan Services, LLC,  
Defendant.

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**STIPULATED ORDER RENDERING CLAIM UNSECURED**

**WHEREAS**, the instant Adversary Proceeding having been commenced by Plaintiff, Justino Garcia (the “Debtor”), against the Defendant, Aurora Loan Services, LLC (the “Secured Creditor”) objecting to the validity of Defendant’s claim as well as the priority and extent of the Defendant’s lien pursuant to 11 U.S.C. Sections 506(a) and 506(d), and Federal Rules of Bankruptcy Procedure Rules 3012, 6009, and 7001 et seq.; and

**WHEREAS**, Aurora Loan Services, LLC is the named Defendant in the above-captioned Adversary Proceeding, and is the holder of a valid and duly perfected mortgage lien executed by the Debtor on December 10, 2004 in the original principal amount of \$170,000.00 (the “Mortgage”) secured by real property commonly known as 85-62 Forest Parkway, Woodhaven, NY 11421 (the “Property”), and

**WHEREAS**, Aurora Loan Services, LLC and the Debtor have agreed to a resolution of the instant Adversary Proceeding and said agreement being evidenced by signatures herein of counsel for the parties, and the parties having requested that the Court enter this Stipulated Order (the “Stipulated Order”), it is hereby

**ORDERED**, that the Mortgage is hereby deemed wholly unsecured, shall be paid as other unsecured claims in the Debtor's Chapter 13 plan; and it is further

**ORDERED**, that upon the completion of the Chapter 13 plan, the security interest claimed by Aurora Loan Services, LLC shall be deemed null, void, avoided, and released, and it is further

**ORDERED**, that, except as otherwise provided for below, the Debtor shall not be required to make any payments to Aurora Loan Services, LLC, its successors and/or assigns, other than payments made through the Chapter 13 plan, and it is further

**ORDERED**, that, within 30 days of the date Debtor having secured a discharge in the above-captioned Chapter 13 and the above-captioned Chapter 13 case is closed, Aurora Loan Services, LLC, its successors or assigns, shall forward for filing a satisfaction of mortgage with the Office of the City Register of the City of New York, and it is further

**ORDERED**, that, in the event that Aurora Loan Services, LLC does not execute and deliver to the Debtors any termination statement, or other document that is or may be required to by law to release and discharge the Mortgage, the Debtor shall be permitted to use the attached order along with the Order of Discharge as authorization for termination and release of the Mortgage; and it is further

**ORDERED**, that in the event that the Debtor's instant Chapter 13 Bankruptcy Case is dismissed prior to its completion, withdrawn, or converted to any other case under Title 11 of the United States Code, the instant Stipulated Order, shall upon such dismissal, withdrawal or conversion be rendered void and unenforceable and Aurora Loan Services, LLC, its successors or assigns shall retain all rights under the Mortgage, including its/their secured lien status, and it is further

**ORDERED**, that a fully executed copy of the Stipulated Order shall be deemed the original for the purposes of filing the same with the Court, and that facsimile signatures shall have the same force and effect as the original signatures, and it is further

**ORDERED**, that the foregoing represents the entire agreement of the parties and no modification, amendment or extension thereof shall be valid, unless in writing, signed by all signatories to this Stipulated Order.

STIPULATED TO:

Dated: February 25, 2011  
Garden City, New York

/s/Donna M. Fiorelli  
Donna M. Fiorelli, Esq.  
Attorney for Debtor  
Law Offices of Donna M. Fiorelli, P.C.  
290 Old Country Road  
Garden City, New York 11530

Dated: February 25, 2011  
Amherst, New York

/s/Natalie A. Grigg  
Natalie A. Grigg, Esq.  
Steven J. Baum, P.C., Counsel to  
Aurora Loan Services, LLC  
220 Northpointe Pkwy.  
Suite G  
Amherst, NY 14228

**Dated: Brooklyn, New York  
March 14, 2011**



Carla E. Craig  
Carla E. Craig  
United States Bankruptcy Judge